

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARY T. JANETOS, and ERIK KING, on)	
behalf of plaintiffs and a class,)	
)	
Plaintiffs,)	12-cv-1473
)	
vs.)	Judge John Z. Lee
)	Magistrate Judge Susan E. Cox
FULTON FRIEDMAN & GULLACE, LLP)	
and ASSET ACCEPTANCE, LLC,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR LEAVE TO
FILE SECOND AMENDED AND CONSOLIDATED COMPLAINT**

Plaintiffs Mary T. Janetos, Erik King, and Pamela M. Fujioka ("Plaintiffs") respectfully request leave of the Court to file a second amended and consolidated complaint, a copy of which is attached hereto as Exhibit 1.

In support of this motion, Plaintiffs state:

1. Plaintiffs' second amended and consolidated complaint amends the complaint in two ways. First, it adds two additional plaintiffs, Pamela M. Fujioka and Ignacio Bernave, with individual (non-class) claims against Defendants. On July 19, 2012, the Court granted Defendant Fulton, Friedman & Gullace, LLP's motion to consolidate Ms. Fujioka's case with the instant case. (Document 53.)
2. Secondly, Plaintiffs have added additional allegations in support of an additional class claim (Count II) against both Defendants, pursuant to § 1692e of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

3. Pursuant to Fed. R. Civ. P. 15(a)(2): “[A] party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). “[W]hile a court may deny a motion for leave to file an amended complaint, such denials are disfavored.” *Bausch v. Stryker Corp.*, 630 F.3d 546, 562 (7th Cir. 2010).

4. Defendants will not be unduly prejudiced by this amendment to the complaint.

WHEREFORE, Plaintiffs Mary T. Janetos, Erik King, and Pamela M. Fujioka (“Plaintiffs”) respectfully request leave of the Court to file a second amended and consolidated complaint, a copy of which is attached hereto as Exhibit 1.

Respectfully submitted,

s/Francis R. Greene
Francis R. Greene

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CERTIFICATE OF SERVICE

I, Francis R. Greene, hereby certify that on August 6, 2012, I caused to be filed the foregoing documents via the CM/ECF System, which caused to be sent notification of such filing to the following parties via electronic mail:

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